

GENERAL ORDERS, }  
No. 155.

WAR DEPARTMENT,  
ADJUTANT GENERAL'S OFFICE,  
Washington, May 28, 1863.

I.—Before a General Court Martial, which convened at the Headquarters First Division Fourteenth Corps, Murfreesboro' Tennessee, March 24, 1863, pursuant to Special Orders, No. 9, dated January 26, 1863, Special Orders, No. 10, dated January 27, 1863, Special Orders, No. 22, dated February 24, 1863, and Special Orders, No. 28, dated March 9, 1863, Headquarters First Division Centre Fourteenth Army Corps, Murfreesboro', and of which Colonel T. P. NICHOLAS, 2d Kentucky Cavalry, is President, was arraigned and tried—

Private *Jacob Zerphy*, Company E, 79th Pennsylvania Volunteers.

CHARGE.—“Desertion.”

*Specification*—“In this; that Private *Jacob Zerphy*, Company ‘E,’ 79th Regiment Pennsylvania Volunteers, did, near Louisville, Kentucky, on or about the 1st of October, 1862, absent himself from his company and regiment, *with the intent* to remain permanently absent therefrom.”

To which charge and specification the accused, Private *Jacob Zerphy*, Company “E,” 79th Pennsylvania Volunteers, pleaded “Not Guilty.”

#### FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Private *Jacob Zerphy*, Company “E,” 79th Pennsylvania Volunteers, as follows:

Of the *Specification*, “Guilty.”

Of the CHARGE, “Guilty.”

#### SENTENCE.

And the Court does therefore sentence him, Private *Jacob Zerphy*, Company “E,” 79th Pennsylvania Volunteers, “*To be shot to death, with musketry, at such time and place as the Commanding General may direct, two-thirds of the members concurring therein.*”

II..Before a General Court Martial, which convened at the camp of Pioneer Brigade, Murfreesboro', Tennessee, January 24, 1863, pursuant to General Orders, No. 13, dated January 20, 1863, Orders dated January 20, 1863, and January 23, 1863, and Special Orders, No. 19, dated January 24, 1863, Headquarters Pioneer Brigade, Murfreesboro', Tennessee, and of which First Lieutenant SAMUEL LINGEMAN, Acting Lieutenant Colonel, Third Battalion Pioneers, is President, was arraigned and tried—

First Lieutenant *Hugh H. Norvell*, 3d East Tennessee Volunteers.

CHARGE I.—“Violation of the 52d Article of War.”

*Specification*—“In this; that the said *Hugh H. Norvell*, First Lieutenant, 3d East Tennessee Volunteer Infantry, in command of a detachment from said Regiment, in the Third Battalion Pioneer Brigade, did, on the night of the 31st of December, 1862, shamefully abandon his post, he being at the time on picket duty in front of his Battalion, said Battalion being in the front line-of-battle of our forces, and an attack being hourly expected at the time he absconded. All this on the battle-field of Stone river, near Murfreesboro', Tennessee.”

CHARGE II.—“Violation of the 9th Article of War.”

*Specification*—“In this; that the said *Hugh H. Norvell*, 3d East Tennessee Volunteer Infantry, in command of a detachment in Third Battalion Pioneer Brigade, did, on or about the 1st day of January, 1863, disobey the order of his Superior or Commanding Officer, who ordered him to return to his Battalion, refusing to obey said order, saying, ‘he would be damned if he would,’ and that he should remain with his wagon. All this on the road from the battle-field of Stone river to Nashville, Tennessee.”

CHARGE III.—“Absence without leave.”

*Specification*—“In this; that the said *Hugh H. Norvell*, 3d East Tennessee Volunteer Infantry, in command of a detachment from said Regiment in Third Battalion Pioneer Brigade, did, on or about the 31st day of December, 1862, absent himself from his com-

mand, then in the face of the enemy, without permission from his Commanding Officer, and did so continue to absent himself until the 20th day of January, 1863. All this while his Battalion was on the battle-field near to or in camp at Murfreesboro', Tennessee."

To which charges and specifications the accused, First Lieutenant *Hugh H. Norvell*, 3d East Tennessee Volunteers, pleaded "Not Guilty."

#### FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, First Lieutenant *Hugh H. Norvell*, 3d East Tennessee Volunteers, as follows:

#### CHARGE I.

Of the *Specification*, "Guilty."

Of the *CHARGE*, "Guilty."

#### CHARGE II.

Of the *Specification*, "Guilty, except so much thereof as reads as follows: 'He would be damned if he would.'"

Of the *CHARGE*, "Guilty."

#### CHARGE III.

Of the *Specification*, "Guilty."

Of the *CHARGE*, "Guilty."

#### SENTENCE.

And the Court does therefore sentence him, First Lieutenant *Hugh H. Norvell*, 3d East Tennessee Volunteers, "*To be, in front of his brigade in line-of-battle, stripped of the badges of his rank by the Adjutant of his Battalion, and be dismissed the service.*"

III.—By a General Court Martial, which convened at the camp of the Fifteenth Brigade, Sixth Division Army of the Ohio, near McMinnville, Tennessee, August 27, 1862, pursuant to Special Orders, No. 22, dated August 2, 1862, Special Orders, No. 25, dated August 11, 1862,

Special Orders, No. 26, dated August 13, 1862, Headquarters Sixth Division Army of the Ohio, in camp near Decherd, Tennessee, and of which Lieutenant Colonel W. H. Young, 26th Ohio Volunteers, is President, was arraigned and tried—

1st. Private *Andrew Shafer*, Company "F," 17th Indiana Volunteers.

CHARGE—"Violation of the 46th Article of War."

*Specification*—"In this; that *Andrew Shafer*, a private of Company 'F,' 17th Indiana Regiment of Volunteers, United States Army, did, on the morning of the 8th of August, 1862, at the 17th Indiana Regimental Guard, between the hours of 12 and 2 o'clock a. m., go to sleep while standing sentinel on his post, and was found in that condition by the sergeant of said guard about 2 o'clock a. m. This at Camp Decherd, Tennessee, August 8, 1862."

To which charge and specification the accused, Private *Andrew Shafer*, Company "F," 17th Indiana Volunteers, pleaded "Guilty."

#### FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Private *Andrew Shafer*, Company "F," 17th Indiana Volunteers, as follows:

Of the *Specification*, "Guilty."

Of the CHARGE, "Guilty."

#### SENTENCE.

And the Court does therefore sentence him, Private *Andrew Shafer*, Company "F," 17th Indiana Volunteers, "To be publicly shot to death; two-thirds of the members concurring."

2d. Private *Hugh Shaw*, wagoner in Company "I," 58th Indiana Volunteers.

CHARGE—"Violation of the 9th Article of War."

*Specification*—"In this; that *Hugh Shaw*, a wagoner in Company 'I,'

58th Indiana Volunteers, did strike with a club his superior officer, Major Foster, of the 3d Ohio Cavalry of the United States Army, while being in the execution of his office, and did lift up and draw a deadly weapon, offering and threatening to do violence, to wit: kill him, the said Major Foster. All this at Camp near Decherd, Tenn., on or about the 14th day of August, A. D. 1862."

To which charge and specification the accused, Private *Hugh Shaw*, wagoner in Company "I," 58th Indiana Volunteers, pleaded "Not Guilty."

#### FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Private *Hugh Shaw*, wagoner in Company "I," 58th Indiana Volunteers, as follows:

Of the *Specification*, "Guilty."

Of the *CHARGE*, "Guilty."

#### SENTENCE.

And the Court does therefore sentence him, Private *Hugh Shaw*, wagoner in Company "I," 58th Indiana Volunteers, "*To be publicly shot to death; two-thirds of the members concurring.*"

IV.—Before a General Court Martial, which convened at Camp of the 20th Brigade, 6th Division, October 16, 1862, pursuant to Special Orders, No. 74, dated Headquarters 6th Division, Army of the Ohio, October 13, 1862, and of which Lieutenant Colonel W. H. Young, 26th Ohio Volunteers, is President, was arraigned and tried—

1st Lieutenant *T. F. C. Dodd*, 73d Indiana Volunteers.

*CHARGE I.*—"Violating the 50th Article of War."

*Specification*—"In this; that he, said 1st Lieutenant *Theodorick F. C. Dodd*, of Company "B," 73d Regiment Indiana Volunteer Infantry, on or about the 7th day of October, A. D. 1862, did voluntarily leave his Company without permission while on the

march of said Regiment from Bardstown, Ky., to present Camp near Perryville, Ky., and there and then loitered behind his said Regiment, and was found in the door-yard of a dwelling-house near the wayside."

CHARGE II.—"Conduct unbecoming an officer and gentleman."

*Specification*—"In this; that he, said Lieutenant *T. F. C. Dodd*, without permission, having loitered behind his Regiment on the said march, on being asked by an officer to what regiment he belonged, replied, to the Sixty-first Indiana; when, in truth and in fact he was and is a member of the 73d Regiment Indiana Volunteer Infantry."

To which charges and specifications the accused, 1st Lieutenant *T. F. C. Dodd*, 73d Indiana Volunteers, pleaded as follows :

#### CHARGE I.

To the *Specification*, "Not Guilty."

To the CHARGE, "Not Guilty."

#### CHARGE II.

To the *Specification*, "Guilty."

To the CHARGE, "Not Guilty."

#### FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, 1st Lieutenant *T. F. C. Dodd*, 73d Indiana Volunteers, as follows :

#### CHARGE I.

Of the *Specification*, "Guilty."

Of the CHARGE, "Not Guilty."

#### CHARGE II.

Of the *Specification*, "Guilty."

Of the CHARGE, "Guilty."

## SENTENCE.

The Court does therefore sentence him, 1st Lieutenant *T. F. C. Dodd*, 73d Indiana Volunteers, "*To be dismissed from the service of the United States.*"

IV..The proceedings of the Court in the case of Private *Jacob Zerphy*, Company "E," 79th Pennsylvania Volunteers, have been forwarded for the action of the President of the United States, who is pleased to remit the sentence, there being a doubt, as shown by the testimony, as to the time when the prisoner returned to his regiment, and it being possible that the Proclamation of the President, dated March 10, 1863, reaches his case.

As the record of the Court in the case of 1st Lieutenant *Hugh H. Norvell*, 3d East Tennessee Volunteers, does not show that the Judge Advocate was sworn, the sentence in his case is inoperative. The President, however, directs that Lieutenant Norvell be dishonorably dismissed the service of the United States, the Court having found him guilty of abandoning his post in the face of the enemy.

The proceedings of the Court in the cases of Private *Andrew Shafer*, of Company "F," 17th Indiana Volunteers, and Private *Hugh Shaw*, wagoner in Company "I," 58th Indiana Volunteers, have been submitted to the President of the United States, who disapproves the sentence in each case, the record not showing whether the Judge Advocate of the Court had been sworn.

The proceedings of the Court in the case of 1st Lieutenant *T. F. C. Dodd*, 73d Indiana Volunteers, have been forwarded for the action of the President of the United States, who is pleased to remit the sentence of dismissal awarded by the Court, on account of mitigating circumstances developed in the evidence.

BY ORDER OF THE SECRETARY OF WAR:

E. D. TOWNSEND,

*Assistant Adjutant General.*